IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 7854 of 2007(I)

PETITIONER:

UDUMPATTA SANKARA NARAYANAN,
S/O.KANDANPPAN NAIR,KARALMANNA (P.O),
PALAKKAD DISTRICT.

BY ADV. SRI.C.E.UNNIKRISHNAN

RESPONDENTS:
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1. GENERAL MANAGER,AUTHORISED OFFICER,
THE CHERUPLASSERY CO-OPERATIVE URBAN BANK LTD
NO.1696,CHERPLACHERRRY P.O.

2. THE CHERUPLASSERY CO-OPERATIVE URBAN
BANK LTD NO.1696,REPRESENTED BY ITS GENERAL
MANAGER,CHERPLACHERRY.

3. ASSISTANT REGISTRAR (GENERAL),
DEPARTMENT OF CO-OPERATION,OTTAPPALAM.

R1&2 BY ADV. SRI.V.K.BALACHANDRAN
SRI.S.SHYAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/04/2007, THE COURT ON 12/04/2007 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE ORDER DT.29.4.2005 OF THE KERALA CO-OP. TRIBUNAL IN R.P. NO.576/2003.

P2: TRUE COPY OF NOTICE NO.198 H.O. BRANCH DT. 31.10.2006.

P3: TRUE COPY OF REPLY NOTICE FILED THROUGH COUNSEL OF THE PETITIONER DT.12.12.2006.

P4: TRUE COPY OF PETITION DT.31.1.2007 IN ARC 1482/99.

P5: TRUE COPY OF COMMUNICATION DT.1.3.2007 ISSUED BY R1.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.7854 of 2007

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Dated this the 12th day of April, 2007.

JUDGMENT

Heard counsel for the petitioner and Standing Counsel for first and second respondents. Even though petitioner was granted conditional stay on 8.3.2007, petitioner has not made payment of Rs.3 lakhs in terms of the order. However, extension of time is applied for, for compliance. Counsel for the petitioner undertakes that petitioner will remit Rs.3 lakhs on or before 27th of this month and the balance in ten equal monthly instalments. In view of the undertaking, W.P. is disposed of granting facility to the petitioner to remit Rs.3 lakhs on or before 27th of this month and the balance in ten equal monthly instalments, payable on or before the last day of every month commencing from May 2007 onwards. However, on single default, the instalment facility will stand automatically cancelled and in that event, there will be direction to the petitioner to surrender the mortgaged property to the first respondent, failing which first respondent can move this court for initiating contempt proceedings against the petitioner. On remittance of Rs.3 lakhs, the Bank will credit the same and give a copy of statement of accounts to the petitioner showing all the charges and interest

debited to his account, credit given for payments and balance due. If petitioner points out any mistake in the demand, the same will be corrected by the first respondent.

C.N.RAMACHANDRAN NAIR
Judge

pms